

1 MICHAEL GAINES, Bar No. 50553
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4 Attorney for Defendant
5 DANNY PEREDA
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,)

No.: CR 09-0239 PJH

13 Plaintiff,)

14 vs.)

STIPULATION AND ~~PROPOSED~~
ORDER RE CONTINUANCE OF
DETENTION HEARING

15 DANNY PEREDA,)

16 Defendant.)

17 The parties agree and stipulate as follows:

18 1. The Detention Hearing in the above-entitled matter was set for March 23, 2009 at
19 9:30 a.m., in Courtroom C, 15th Floor, Magistrate Judge Chen, presiding.
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21 2. Good cause exists for continuing the Detention Hearing to April 9, 2009, at 9:00 a.m.,
22 in Courtroom G, 15th Floor, Magistrate Judge Zimmerman, presiding.

23 3. The parties agree to reset the Detention Hearing on April 9, 2009, at 9:30 a.m., in
24 Courtroom G, 15th Floor, Magistrate Judge Zimmerman, presiding.
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1 4. Time is hereby excluded pursuant to the Speedy Trial Act pursuant to 18 U.S.C.A.
2 section 3161 for continuity of counsel.

3 IT IS SO STIPULATED.
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5 DATED: March 23, 2009

/s/
MATTHEW L. McCARTHY
Assistant United States Attorney

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8 DATED: March 23, 2009

MICHAEL GAINES
Attorney for Danny Pereda

DECLARATION OF COUNSEL

I, MICHAEL GAINES, declare as follows:

I am an attorney licensed to practice law in the State of California and the attorney retained to represent defendant DANNY PEREDA.

Detention hearing in this case was set for March 23, 2009 at 9:30 a.m., before Magistrate Judge Chen. At the time of this setting, I was in trial in the Superior Court in the City and County of San Francisco in the case of *People v. Christos Mavromatis*, SCN 203867, a trial of approximately one month's duration.

That case concluded in the late afternoon of March 19, 2009. During this period I have not been able to consult with my client, who is housed at the North County Jail in Oakland. Furthermore, I will require more time to arrange for sureties to satisfy conditions of release that the Court may impose.

I have contacted the Courtroom Deputy in Courtroom C and have notified her that I am not prepared to proceed on the Detention Hearing as currently set for the foregoing reasons. She has indicated that the U.S. Marshal's Office will be notified and asked not to bring Mr. PEREDA to court on March 23, 2009.

I have contacted the Assistant U.S. Attorney assigned to this case, Matthew L. McCarthy, and left a detailed voice mail. Mr. McCarthy has been out of the office for the past week and will not be returning to work until March 23, 2009. I did contact his legal assistant and spoke to her personally concerning this matter and my intentions. On March 23, 2009, I spoke personally with Mr. McCarthy and he is agreeable to the continuance of defendant's Detention Hearing to April 9, 2009, at 9:30 a.m. in Courtroom G, Magistrate Judge Zimmerman, presiding.

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1 I was informed by the Courtroom Deputy that on April 9, 2009, Magistrate Judge
2 Zimmerman will be presiding at the Detention Hearing of the above-entitled matter.

3 I declare under penalty of perjury that the foregoing is true and correct, except as to those
4 matters stated on information and belief and as to those matters, I believe them to be true.
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6 Executed this 23rd day of, March, 2009 at San Francisco, California.

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10 MICHAEL GAINES
11 Attorney for Defendant
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 UNITED STATES OF AMERICA,)

4 Plaintiff,)

5 vs.)

6 DANNY PEREDA,)

7 Defendant.)
8)
9)

No.: CR 09-0239 PJH

**ORDER RE CONTINUANCE OF
DETENTION HEARING**

10 Pursuant to the stipulation of the parties and for good cause shown, IT IS HEREBY
11 ORDERED that the Detention Hearing be continued until April 9, 2009, at 9:30 a.m. in
12 Courtroom G, 15th Floor, Magistrate Judge Zimmerman, presiding.
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17 DATED: 3/23/09


18 JUDGE OF THE U.S. DISTRICT COURT
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